

JERRY S. BUSBY
Nevada Bar #001107
ANDRE T. MARQUES
Nevada Bar #014737
COOPER LEVENSON, P.A.
3016 West Charleston Boulevard - #195
Las Vegas, Nevada 89102
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com
amarques@cooperlevenson.com

Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN V. IANNUZZI, JR., an individual;
Plaintiff,

v.

SMITH'S FOOD AND DRUG CENTERS,
INC. d/b/a SMITH'S FOOD AND DRUG;
DOES I through X, inclusive; and ROE
CORPORATIONS I through V, inclusive,
Defendants.

Case No. 2:23-cv-00409-GMN-EJY

**STIPULATION FOR EXTENSION OF
DISCOVERY DEADLINES
(FIRST REQUEST)**

Good cause is present for the stipulation under LR 26-3.

Plaintiff is alleging significant injuries in this case. In his most recent disclosure, served on June 16, 2023, Plaintiff alleged his past medical bills are \$118,270.60. In addition, Plaintiff is alleging future medical expenses in the amount of \$535,597.00, in the form of a recommended future surgery to his lumbar spine. Significantly, disclosed medical records suggest Plaintiff may have prior underlying conditions that are relevant to the treatment he received subsequent to the subject incident.

Thus, additional time is needed to collect Plaintiff's voluminous medical records and allow more time for expert disclosures. Just given the sheer number of medical providers involved in this case, there is not enough time to collect these records and forward them to the expert witnesses so that they can include the records in their initial expert reports.

1 Additionally, the parties have agreed to a private mediation to be held at JAMS with the
 2 Honorable Stewart Bell (Ret.) on October 31, 2023. Both parties — after consultation with their
 3 retained experts— need additional time to serve their respective expert disclosures.

4 Pursuant to LR 26-3, stipulations to extend discovery must be supported by good cause for
 5 the extension. A request made within 21 days of the expiration of a deadline that the parties seek to
 6 extend must also be supported by a showing of good cause. *See* LR 26-3. To establish good cause,
 7 the Court looks to the diligence of the party that seeks the extension. *Safeco Ins. Co. of Am. v. Air*
 8 *Vent, Inc.*, Case No. 2:20-01579, 2021 U.S. Dist. LEXIS 95692, *1 (May 19, 2021) (citing *Coleman*
 9 *v. Quaker Oats Co.*, 232 F.3d 1271, 1294-95 (9th Cir. 2000)). Good cause is present if the deadline
 10 at issue “cannot reasonably be met despite the diligence of the party seeking the extension.” *Johnson*
 11 *v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992).

12 Accordingly, the requested extension would give the parties the opportunity to attend a
 13 private mediation at JAMS with the Honorable Stewart Bell (Ret.). Both parties have conducted
 14 extensive discovery in this case, and have been diligent in moving this case though discovery to
 15 prepare for trial. The request to extend discovery will allow the parties to submit the case to
 16 mediation and timely disclose experts if mediation proves unsuccessful.

17 IT IS HEREBY STIPULATED by and between TYLER M. CRAWFORD, ESQ., of the law
 18 firm ATKINSON WATKINS & HOFFMANN, LLP, as counsel for Plaintiff, JOHN IANNUZZI
 19 JR., and ANDRE T. MARQUES, ESQ., of the law firm COOPER LEVENSON, P.A., as counsel for
 20 Defendant, SMITH’S FOOD & DRUG CENTERS, INC., that certain discovery deadlines be
 21 extended by 60 days, as set forth below, to allow the parties to complete discovery prior to trial.

22 **A. DISCOVERY COMPLETED TO DATE**

23 This matter involves a slip and fall at Smith’s located at 8050 S. Rainbow Blvd., Las Vegas,
 24 NV (“Smith’s #311”) on September 21, 2021. On March 27, 2023, the parties held an initial Rule 26(f)
 25 Conference. On April 10, 2023, the Court entered a stipulated discovery plan and scheduling order.
 26 ECF No. 9. To date, the parties have completed the following discovery:

- 27 1. Exchange of initial FRCP 26(f) Production of Witnesses and Documents;
- 28 2. Plaintiff has provided medical authorizations for current medical providers;

3. The parties participated in a FRCP 26(f) conference on March 27, 2023;
4. The Defendant served Plaintiff with written discovery requests on April 27, 2023; Plaintiff served her responses on June 13, 2023;
5. Plaintiff's deposition was taken on June 20, 2023;
6. Plaintiff took the deposition of SMITH'S FRCP 30(b)(6) corporate representative on August 25, 2023;
7. The parties have agreed and confirmed mediation on October 31, 2023.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

Defendant anticipates:

1. Further written discovery (TBD);
2. Deposition of Plaintiff's treating physician(s).
3. Deposition of Plaintiff's retained expert witness(es).

Plaintiff anticipates:

1. Depositions of fact witnesses (TBD);
2. Further written discovery (TBD);
3. Site Inspection of subject store (TBD);

Defendant is still obtaining Plaintiff's medical records through authorizations provided by Plaintiff. Plaintiff's treatment is on-going.

**C. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED
WITHIN THE DEADLINES CONTAINED IN THE DISCOVERY SCHEDULING
ORDER**

Pursuant to the current operative schedule, the deadline to disclose initial experts is October 12, 2023. Discovery closes on December 11, 2023. However, the parties believe submitting the case to mediation may assist in resolving matters prior to the deadline to disclose experts. Mediation is *confirmed* and scheduled to take place on October 31, 2023.

///

///

///

D. ~~PROPOSED~~ SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

Pursuant to Local Rule 26-4(d), the parties propose the following new discovery deadlines:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Disclosure of Experts	10/12/2023	12/11/2023
Disclosure of Rebuttal Experts	11/13/2023	01/10/2024
Close of Discovery	12/11/2023	02/09/2024
Dispositive Motions	01/10/2024	03/11/2024
Pre-Trial Disclosures	02/09/2024	04/10/2024

DATED this 12th day of September, 2023.

DATED this 12th day of September, 2023.

ATKINSON WATKINS & HOFFMANN, LLP

COOPER LEVENSON, PA

/s/ Tyler M. Crawford

/s/ Andre T. Marques

TYLER M. CRAWFORD, ESQ.

ANDRE T. MARQUES

Nevada Bar No. 10559

Nevada Bar No. 014737

10789 W. Twain Ave., Suite 100

3016 W Charleston Blvd, #195

Las Vegas, Nevada, 89135

Las Vegas, NV 89102

Attorneys for Plaintiff

Attorneys for Defendant

ORDER

IT IS SO ORDERED that the discovery deadlines are hereby extended per counsel stipulation above.


UNITED STATES MAGISTRATE JUDGE

DATED: September 12, 2023